

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCHINDLER

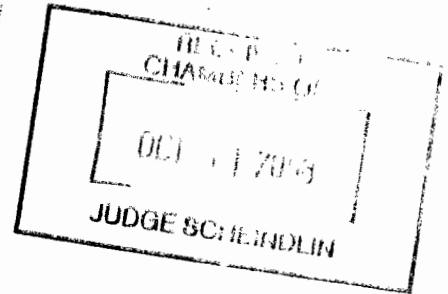
USDC SDNY
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DOC #:
DATE FILED: 10/31/08

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**IN RE METHYL TERTIARY BUTYL
ETHER PRODUCTS LIABILITY
LITIGATION,**

Master File No. 1:00-
MDL 1358 (SAS)
M21-88

This document pertains to:

*City of Inverness Water District v. Amerada
Hess Corp., et al., No. 07 cv 4011 (SAS)*



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**STIPULATION AND ORDER OF DISMISSAL AS AGAINST DEFENDANTS
IRVING OIL LIMITED AND IRVING OIL CORPORATION**

The undersigned counsel for Plaintiff and the undersigned counsel for Defendants, Irving Oil Limited and Irving Oil Corporation ("Defendants"), hereby agree on behalf of the parties

that:

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

Doc. 2085

1. Based on the representations made in the affidavit of Kevin Scott, dated September 18, 2008 (the "Scott Affidavit"), attached hereto as Exhibit A, and pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff voluntarily dismisses without prejudice the Summons with Notice and the Complaint in the above-captioned action as against Defendants Irving Oil Limited and Irving Oil Corporation, and reserves all of Plaintiff's rights as against all other defendants.

2. Should Plaintiff subsequently discover information that disproves any of the statements in the Scott Affidavit, Defendants agree to allow Plaintiff to reinstate Defendants into the above-captioned action.

3. Should Defendants be reinstated into the above-captioned action, pursuant to the above paragraph, then Defendants agree that the statute of limitations is tolled between the date of the filing of the Summons with Notice and the date of such reinstatement. In such event, Defendants further agree not to raise any statute of limitations defense they did not have as of the date the original Complaint was filed in this lawsuit.

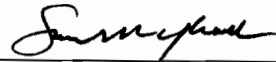
Dated: New York, New York
October 29, 2008

(Robert Gitelevan)


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Attorneys for City of Inverness Water District

Dated: New York, New York
October 24, 2008



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Attorneys for Irving Oil Limited and Irving Oil Corporation

Dated: Oct 31, 2008

SO ORDERED:

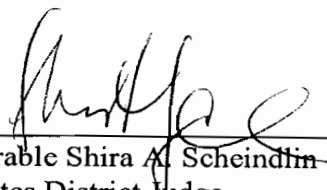

The Honorable Shira A. Scheindlin
United States District Judge

Exhibit A

*Attorneys for Defendants Irving Oil
Limited and Irving Oil Corporation*

In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

This Document Applies to:

DECLARATION OF KEVIN SCOTT

I, Kevin Scott, under penalty of perjury, declare:

2. The information contained herein is based upon (1) my personal knowledge, (2) the records of Irving Oil Limited and Irving Oil Corporation (“the Irving Oil Defendants”), and (3) information provided to me by the knowledgeable employees of the Irving Oil Defendants.

3. Irving Oil Limited is a Canadian corporation with its principal place of business in Saint John, New Brunswick. Irving Oil Corporation is a Maine corporation with its principal place of business in Portsmouth, New Hampshire.

4. The Irving Oil Defendants never manufactured MTBE.

5. The Irving Oil Defendants have no refining operations in the United States. The sole Irving Oil refinery is located in Saint John, New Brunswick, Canada.

6. The Irving Oil Defendants distribute gasoline in Canada and the United States, primarily in Atlantic Canada and Northern New England.

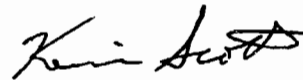
7. The Irving Oil Defendants have never owned or operated a gas station, gas tanks, or a retail gasoline outlet in Florida, have never leased a retail gasoline outlet in Florida to a third party, have never had a branded open-dealer retail outlet in Florida, and have never had a retail supply contract with any retail facility in the State.

8. The Irving Oil Defendants have never sold or distributed gasoline containing MTBE at any station in the State of Florida.

9. The Irving Oil Defendants have never shipped any reformulated gasoline containing MTBE into the State of Florida.

10. The Irving Oil Defendants have never shipped any gasoline of any kind into the Counties of Citrus, Hillsborough, Pasco, or Pinellas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Kevin Scott

Executed on September 18, 2008

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of October, 2008, I caused a true and correct copy of the foregoing STIPULATION AND ORDER OF DISMISSAL AS AGAINST IRVING OIL LIMITED AND IRVING OIL CORPORATION in the matter *City of Inverness v. Amerada Hess Corp., et al.*, No. 07 cv 4011 to be served on all counsel via Lexis/Nexis File & Serve, on Plaintiffs' Liaison Counsel via email to mdl1358@weitzlux.com and on Defendants' Liaison Counsel via email to mdl1358@mwe.com.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York, on October 30, 2008.


Maria Termini